

1 **RYLEY CARLOCK & APPLEWHITE**

2 Suite 2700
3 101 North First Avenue
4 Phoenix, Arizona 85003-1973
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6 John J. Fries - 007182
7 T. Brent Galligan - 020457

8 Attorneys for Chapter 7 Trustee, Maureen Gaughan

9
10 **IN THE UNITED STATES BANKRUPTCY COURT**
11 **FOR THE DISTRICT OF ARIZONA**
12

13 *In re:*

14 **CHARLES THOMAS BROWN d/b/a TOM**
15 **BROWN PREFERRED TRUST COMPANY,**

16 Debtor,

17 **MAUREEN GAUGHAN, Chapter 7 Trustee,**

18 Plaintiff,

19 v.

20 **ANN AKAMINE; et al.,**

21 Defendants.

Proceedings Under Chapter 7

No. 97-14228-PHX-GBN

Adversary No. 99-00746

**TRUSTEE'S APPLICATION FOR DEFAULT
JUDGMENT AGAINST JOAN HEINEMANN,
SAKKAR RAMASWAMY, VELLAYAN
RAMASWAMY, AND UMAYAL
RAMASWAMY**

22 Plaintiff, Chapter 7 Trustee Maureen Gaughan ("Trustee"), by and through Counsel, Ryley, Carlock
23 & Applewhite, P.A., requests the Clerk of the Court, pursuant to Rule 7055(b)(1), Federal Rules of
24 Bankruptcy Procedure, to enter a Default Judgment against the following Defendants: Joan Heinemann;
25 Sakkar Ramaswamy; Vellayan Ramaswamy; and Umayal Ramaswamy (collectively the "Non-Answering
26 Defendants").

Under Rule 7055(b)(1), when a defendant has been defaulted for failure to appear and the plaintiff's
claim against a defendant is for a sum certain, or for a sum which can by computation be made certain, the

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1 clerk, upon request of the plaintiff and upon affidavit of the amount due shall enter judgment for that amount
2 and costs against the defendant.

3 On January 24, 2001, the Clerk entered a default against the Non-Answering Defendants for failure
4 to plead or otherwise defend in the above captioned adversary proceeding as provided for by the Federal
5 Rules of Bankruptcy Procedure (Exhibit "A").

6 The Trustee seeks a default judgment against the Non-Answering Defendants in the sum certain
7 amounts set forth below and attached as Exhibit "B." These amounts were specifically requested in the
8 Trustee's complaint (See Exhibit "C" and paragraphs 327, 336, 349, and 361 of the Trustee's complaint).
9 Exhibit "B" is a report prepared by the firm of Tucker Alan, Inc. that lists payments received by each of the
10 Non-Answering Defendants. The report is a condensed version of the report attached to the Trustee's
11 complaint.

12 Maureen Gaughan, the Chapter 7 Trustee for Charles Thomas Brown, is entitled to have judgment
13 in her favor and against the Non-Answering Defendants and hereby requests the clerk to enter a judgment
14 of default against the Non-Answering Defendants as follows:

15	Joan Heinemann	\$95,464.00
16	Sakkar Ramaswamy	\$5,914.00
17	Vellayan & Umayal Ramswamy	\$75,886.00

18
19 The Trustee, pursuant to 28 U.S.C. §1961, further requests that she be awarded interest on the
20 foregoing amounts, at a rate of 6.052 percent (6.052%) per annum, from and after October 18, 1999, the date
21 of the Trustee's complaint.

22 In addition, the Trustee seeks an Order, pursuant to 11 U.S.C. § 502(d), disallowing any claim of the
23 Non-Answering Defendants against the bankruptcy estate unless and until the Non-Answering Defendants
24 have paid fully the amounts due to the Trustee as described above.

25 ///

26 ///

1 This Application for Default Judgment is supported by the Entry of Default (Exhibit "A"), the
2 payment report prepared by the firm of Tucker Alan, Inc. (Exhibit "B"), and the attached Affidavit In
3 Support of Trustee's Application for Default Judgment (Exhibit "C").

4 DATED this 25th day of January, 2001.

6 RYLEY, CARLOCK & APPLEWHITE, P.A.

7 *T. Brent Galligan*
8 By: /s/ T. Brent Galligan - 020457

9 John J. Fries
10 T. Brent Galligan
11 Attorneys for Chapter 7 Trustee Maureen Gaughan
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7 **FOR THE DISTRICT OF ARIZONA**

8 *In re:*

9 **CHARLES THOMAS BROWN d/b/a TOM**
BROWN PREFERRED TRUST COMPANY,

10 Debtor

11 **MAUREEN GAUGHAN, Chapter 7 Trustee,**

12 Plaintiff

13 v.

14 **ANN AKAMINE; et al.**

15 Defendants

Proceedings Under Chapter 7

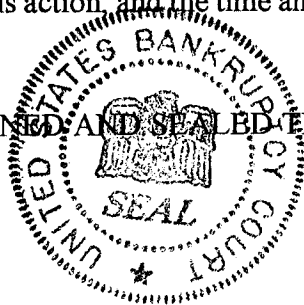
No. 97-14228-PHX-GBN

Adversary Proceeding No.: 99-00746

**ENTRY OF DEFAULT RE: PLAINTIFF'S
FOURTH APPLICATION FOR ENTRY OF
DEFAULT AGAINST NON-ANSWERING
DEFENDANTS**

17 Defendants Brad Jones, Kim Jones, Joan Heinemann, Sakkar Ramaswamy, Vellayan Ramaswamy,
18 and Umayal Ramaswamy (collectively the "non-answering defendants") having been regularly served with
19 process and with notice of the Application for Entry of Default and having failed to plead or otherwise
20 defend in this action, and the time allowed having expired, the default of Defendants named above, is hereby
21 entered.

22 SIGNED AND SEALED THIS DATE: 1-24-01



23 KEVIN O'BRIEN, Clerk

24 By: [Signature]
25 Deputy Clerk
26

EXHIBIT

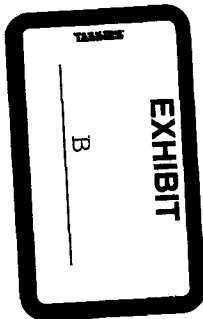
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Charles Thomas Brown Bankruptcy

Disbursements For Certain Investors

Totals by Investor Group and Date Posted

Investor Code	Amount Disbursed				Name	2nd Line	Street Address	City State Zip
	Within 90 Days	Within 1 Year	Within 4 Years	All Years				
J09	\$0.00	\$0.00	\$750.00	\$750.00	Brad & Kim Jones		594 La Salle St.	Des Plaines IL 60016-2944
L21	\$0.00	\$2,000.00	\$33,502.00	\$95,464.00	Joan Heinemann		1045 N. 3rd Ave.	St. Charles IL 60174
R06	\$0.00	\$0.00	\$0.00	\$5,914.00	Sakkar Ramaswamy	c/o David Engelman, Esq.	3309 N. 2nd Street	Phoenix AZ 85012
R07	\$0.00	\$75,886.00	\$75,886.00	\$75,886.00	Vallayan & Umayal Ramaswamy	c/o David Engelman, Esq.	3309 N. 2nd Street	Phoenix AZ 85012
TOTAL	\$0.00	\$77,886.00	\$110,138.00	\$178,014.00				



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14 Debtor,

15 MAUREEN GAUGHAN, Chapter 7 Trustee

16 Plaintiff

17 v.

18 ANN AKAMINE; *et al.*

19 Defendants

Proceedings Under Chapter 7

No. 97-14228-PHX-GBN

Adversary No. 99-00746

**AFFIDAVIT IN SUPPORT OF TRUSTEE'S
APPLICATION FOR DEFAULT JUDGMENT
AGAINST JOAN HEINEMANN, SAKKAR
RAMASWAMY, VELLAYAN RAMASWAMY,
AND UMAYAL RAMASWAMY**

20 **T. BRENT GALLIGAN**, after first being duly sworn, states as follows:

21 1. I am the attorney for the Plaintiff, Maureen Gaughan, Chapter 7 Trustee for Charles
22 Thomas Brown, and file this affidavit in compliance with Rule 7055(b)(1), Federal Rules of Bankruptcy
23 Procedure.

24 2. Defendants, Joan Heinemann, Sakkar Ramaswamy, Vellayan Ramaswamy, and
25 Umayal Ramaswamy (collectively the "Non-Answering Defendants") have failed to plead or otherwise
26 defend this action as provided by the Federal Rules of Bankruptcy Procedure.

3. Pursuant to Rule 7055(a), the Clerk entered an Entry of Default against the Non-
Answering Defendants on January 24, 2001.

1 4. Trustee is entitled to judgment in her favor and against each Non-Answering
2 Defendants for the sum certain amounts as they appear in the Trustee's Application for Default Judgment.

3 5. In compliance with 50 U.S.C. App. §520(1), the Trustee is unable to determine
4 whether or not the Non-Answering Defendants are in military service.

5 WHEREFORE, the affiant requests that Judgment By Default be entered against each of the
6 Non-Answering Defendants, as identified herein.

7 DATED this 25th day of January, 2001.

8
9 RYLEY, CARLOCK & APPLEWHITE, P.A.

10
11 *T. Brent Galligan*
By: /s/ T. Brent Galligan - 020457

12 John J. Fries
13 T. Brent Galligan
14 Attorneys for Chapter 7 Trustee Maureen Gaughan

15 STATE OF ARIZONA)
16) ss.
17 County of Maricopa)

18
19 On this 25th day of January, 2001, before me, the undersigned officer, personally appeared T. Brent
20 Galligan, whose signature appears above, known to me (or satisfactorily proven) to be the person whose
21 name is subscribed to the within instrument and acknowledged to me that this instrument was executed for
22 the purposes herein contained.

23 IN WITNESS WHEREOF, I have set my hand and official seal.

24 My Commission Expires:

25 *Cathy Edwards*
26 /s/ Cathy Edwards

NOTARY PUBLIC

11/3/03

